

STANDARD CRIMINAL 7

JURY NOT TO CONSIDER PENALTY

You must decide whether the defendant is guilty or not guilty by determining what the facts in the case are and applying these jury instructions. You must not consider the possible punishment when deciding on guilt; punishment is left to the judge.

SOURCE: RAJI (Criminal) No. 7 (1996); *State v. Koch*, 138 Ariz. 99, 105, 673 P.2d 297, 303 (1983); *State v. Van Dyke*, 127 Ariz. 335, 337, 621 P.2d 22, 24 (1983).